

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
Fourth Quarterly Meeting, Fiscal Year 2003

Meeting Date: August 7, 2003
Meeting No.: 57

Place: TCEQ Campus, Building B
Room: 201A

TABLE OF CONTENTS

MEETING ATTENDANCE	2
MEETING HANDOUTS	3
MEETING RECORD OF AUGUST 7, 2003	4
I. Call to Order and Introductions	4
II. Subcommittee Reports -	4
Agricultural Chemicals	4
Data Management	4
Water Well Closure Task Force	5
Groundwater Research	5
Nonpoint Source	5
III. Presentation	5
Agency Legislative Roundtable Discussion - committee members discuss activities of the 78 th Legislature and how their agencies are affected.	5
IV. Business - Discussion & Possible Action	6
Discussion of House Bill 3030, implications for member agencies	6
Discussion and approval of draft rule for publications, concerning notification of groundwater contamination to private well owners (HB 3030)	6
Texas Groundwater Protection Strategy - Discuss Strategy Implementation Issues	7
Review and Approval of Revised Subcommittee Charges - Data Management Subcommittee, Water Well Closure Task Force/Groundwater Protection Implementation/Outreach Subcommittee, and Nonpoint Source Subcommittee/Task Force.	7
Set Future Meeting Dates	7
V. Information Exchange for Groundwater Related Activities/Status Update	7
Joint Groundwater Monitoring and Contamination Report - 2002 - update	7
TGPC Website Review for Member Agencies	8
VI. Announcements (All Members)	8
Rules Update	8
New Publications	8
Upcoming Conferences	8
VII. Public Comment	8
VIII. Adjourn	8

MEETING ATTENDANCE

TGPC Members

Affiliation

Mary Ambrose	TCEQ
Janie Hopkins	TWDB
Ambrose Charles	TDA
Richard Ginn	RCT
Allan Jones	TAES
Kevin Wagner	TSSWCB
<u>no representative</u>	TAGD
Ken Ofunrein	TDH
Lee Parham	TDLR
Bridget Scanlon	BEG

Agency Staff

Affiliation

Program

Jennifer Allis	ORCA	Office of Rural Community Affairs
Cary Betz	TCEQ	Technical Analysis Division
Leon Byrd	TCEQ	Technical Analysis Division
Alan Cherepon	TCEQ	Technical Analysis Division
Frank Fuller	TCEQ	Policy and Regulatory Division
Isacc Jackson	TCEQ	EXEC/Intergovernmental Relations
Steve Musick	TCEQ	Technical Analysis Division
Jeanette O'Hare	TDA	Risk Assessment & Toxicology
David Parmer	TCEQ	Strategic Assessment Division
Joe Peters	TCEQ	Technical Analysis Division
Joe Thomas	TCEQ	Policy & Regulation Division
Shirley Wade	TWDB	

Interested Parties

Affiliation

Jim O'Connor	SAWS
Mary Etter	LCRA
Ken Kramer	Sierra Club
Eric Strom	USGS
Lynn Fahlquist	USGS

MEETING HANDOUTS

1. Agenda
2. USGS Memo-Data Dictionary Review and Ambient Groundwater Monitoring Network Design Summary of Progress
3. Groundwater-Related Acts of the 78th Regular Session Texas Legislature
4. House Bill No. 3030
5. Chapter 601 - Groundwater Contamination Report - *Revised Draft*
6. Nonpoint Source Subcommittee - *Draft Charge*
7. Public Outreach and Education Subcommittee - *Draft Charge*
8. *State Groundwater Protection Strategy* Recommendations Not Associated with a Subcommittee
9. Research Recommendation(s) Found in the *State Groundwater Protection Strategy*
10. Data Management Recommendation(s) Found in the *State Groundwater Protection Strategy*
11. TGPC Rule Log Update on August 7, 2003
12. Meeting Announcement - 2003 GWPC Annual Forum, *Interaction among Ground Water Initiatives* September 13 - 17, 2003 in Niagra Falls, New York
13. Water 2025 Conference, August 14, 2003 - Austin, Texas

MEETING RECORD OF AUGUST 7, 2003

I. Call to Order and Introductions

Mary Ambrose, Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the FY2003, Fourth Quarterly Meeting to order at 1:05 P.M., CDT. There was no representative from the Texas Alliance of Groundwater Districts present.

II. Subcommittee Reports

Agricultural Chemicals - Steve Musick, TCEQ, Chair. The Agricultural Chemicals Subcommittee held its FY 2003 fourth quarter meeting on August 7, 2003, at 10:00 A.M.

The members were updated on the status of FY 03 Monitoring Plan, Interagency Pesticide Data Base, and continued discussion of the results of the investigative monitoring from last fiscal year:

FY 03 Atrazine/Metolachlor Monitoring Plan. 465 wells were sampled in several aquifers including the Edwards-Trinity aquifer and parts of the Queen City, Sparta, Yegua, Jackson, Carrizo-Wilcox, and Blaine. TCEQ staff made a followup sampling trip to impacted areas in the Panhandle. Samples from 34 wells and one point of entry were taken during this trip.

Sampling was also conducted in the Thrall area as well as Caldwell County.

Interagency Pesticide Data Base. The Subcommittee agreed that it would be a good time, after completing sampling of the State's aquifers, to publish an update of the report on the major impacts of pesticides in Texas that are associated with our pesticide data base.

The Subcommittee believes that the Atrazine/Metolachlor that is present in the High Plains is not the result of a NonPoint Source nature, but is due to deteriorated and/or abandoned wells and surface water bodies collecting field runoff. Research projects will be identified to try to better understand this problem and Tex-A-Syst education will be used to aid in outreach efforts dealing with deteriorated wells and other wellhead problems.

Data Management - Eric Strom, USGS, chair. The Data Management Subcommittee met twice this quarter. The meetings focused on amending the Subcommittee Charge, reviewing the Data Dictionary, and assistance with design of the ambient groundwater network. The Texas Geographic Information Council(TGIC) has agreed to review and revise the document to bring it up to TGIC standards. It was suggested that the Iowa U.S. Geological Survey Plan would make a good model for an ambient groundwater monitoring plan.

Water Well Closure Task Force - Bruce Lesikar, TCE, chair. There have been requests

from districts in Bell, Uvalde, Robertson, and Angelina counties for water-well closure demonstrations. There are two closures already scheduled in Mills and Hamilton counties. These pluggings are to take place the week of August 25 through 29.

Groundwater Research - Bridget Scanlon, BEG, co-chair. The subcommittee did not meet this quarter. They are scheduled to meet immediately following the TGPC meeting.

Nonpoint Source Task Force - Cary Betz, TCEQ, representative. This subcommittee is involved in revising the Nonpoint Source Assessment and Management Plan with the aid of TCEQ and TSSWCB. An advisory group will be formed to include 24 individuals from various related agencies. This group will be charged with incorporating, as much as possible, the 305b report into the Nonpoint Source Assessment and Management Plan. A draft Plan is scheduled for the second quarter 2004.

III. Presentation

Agency Legislative Roundtable Discussion - Members of the committee discussed activities of the 78th Legislature and how their agencies are affected.

Steve Musick, TCEQ representative, presented a brief overview of the groundwater related Acts. These included 15 Acts amending existing groundwater conservation districts, six Acts creating new groundwater conservation districts, seven Acts amending Texas water code, Chapter 36, and miscellaneous other Acts.

Mary Ambrose, chair, briefly discussed SB1633 which speaks to disposal of effluent from water softeners and reverse osmosis units into an on-site system. Another Act authorized the use of gray water in a domestic setting.

Allan Jones, TAES, discussed SB1094. This bill reorganized the TWDB's Ag Water Conservation Program by combining several programs into one more manageable fund.

Lee Parham, TDLR, the TDLR was under Sunset Review for the last year and one thing affecting the Water Well Drillers Program is an increase of maximum penalty assessment from \$2,500 to \$5,000 per violation.

One of the major impacts of SB279, as far as the Committee is concerned, is that the TDLR, TCEQ, and all of the Groundwater Conservation Districts enter into a Memorandum of Understanding regarding the investigation of deteriorated and abandoned wells.

Richard Ginn, RCT, HB1195 increased fees that can be charged for Certificates of Compliance to be reinstated after a violation has occurred in the production of oil and gas. The fee was increased for \$100 per reinstatement to \$300 per violation.

Ken Ofunrein, TDH, briefed the Committee on HB2292 which limits the term of licenses

issued by the Texas Health Department to a period of two years.

Kevin Wagner, TSSWCB, the primary legislation effecting this agency was SB1828 which added two board members to be appointed by the Governor and changed the language concerning Brush Control Program.

IV. Business - Discussion & Possible Action

Discussion of House Bill 3030, implications for member agencies. - Mary Ambrose, chair, briefed the Committee on HB3030. This bill adds a new section to the Act that created the TGPC. It requires a state agency that documents groundwater contamination to notify the Commission (TCEQ). TCEQ is required to provide notice to all citizens with water wells that could be affected by the contamination plume. Notification must be accomplished by first class mail within 30 days after TCEQ gains knowledge of a case of contamination. Notice must also be sent to all applicable groundwater conservation district.

The Act also requires the TGPC, by rule, to prescribe the form and content of the notice that TCEQ will be mailing. This notice is applicable only on cases of groundwater contamination documented on or after September 1, 2003. Any case of groundwater contamination documented before that date is governed by the laws in effect on the date contamination was documented. The Committee must adopt rules for notice requirements.

Discussion and approval of draft rule for publication, concerning notification of groundwater contamination to private well owners (HB 3030). - Joe Thomas, TCEQ, presented the rule making procedures involved in the new proposed §601.10, Form and Content of Groundwater Contamination Notice. If the Committee approves the revised draft of the Rule today, notice should be published in the Texas Register on August 22, 2003. No public hearing is planned and written comments will be accepted for 30 days after publication. After close of the public comment period, TCEQ staff will develop written responses to any comments and will draft needed changes to the rule. Adoption package should be ready for consideration by the Committee on October 16, 2003. If the adoption package is approved on that date and filed with the Texas Register by noon of October 20, 2003, the adoption would then be published in the Texas Register on October 31, 2003. The Rule would be effective 20 days after the adoption is filed in the Texas Register or November 9, 2003.

Discussion of the Revised Draft followed. After the discussion, Chair called for a short recess so the Committee could review the Revised Draft.

Cary Betz, TCEQ, pointed out that the Commission already does similar reporting to county judges and public health officials. The Commission had over 500 new cases of groundwater contamination reported last year, only 50 of those qualified for reporting. All reporting agencies had a total of 582 new cases last year.

Allan Jones, TAES, moved to adopt the Revised Draft as is and Richard Ginn, RCT, seconded. Chair called for further discussion. After no discussion was forthcoming the Committee voted unanimously, from members present, to publish the Revised Draft.

Texas Groundwater Protection Strategy - Discuss Strategy Implementation Issues -

Frank Fuller, TCEQ, after placing the various recommendations with the appropriate subcommittees, three recommendations were found that weren't tied to any subcommittee, but were more the responsibility of the whole committee. The three recommendations are: Committee needs to strengthen lines of communication and information sharing with Regional Water Planning Groups; update the *Strategy* every 6 years; and, conduct an analysis that will identify and rank threats to groundwater quality.

Review and Approval of Revised Subcommittee Charges - Data Management Subcommittee, Water Well Closure Task Force/Groundwater Protection Implementation/Outreach Subcommittee, and Nonpoint Source Subcommittee/Task Force All of the charges were discussed, Bruce Lesikar, TCE, is the Chair of the Water Well Closure Task Force/Groundwater Protection Implementation/Outreach Subcommittee (renamed the Public Education and Outreach Subcommittee), and Frank Fuller, TCEQ, is the Co-Chair.

Kevin Wagner, TSSWCB, is the Chair of the Nonpoint Source Subcommittee. An e-mail will be sent to all of the Committee members outlining how they might become involved in providing information to this subcommittee for inclusion in the five-year update of the State's Nonpoint Source Management Plan under development this fiscal year.

Janie Hopkins, TWDB, moved to adopt the charges as presented for the Data Management Subcommittee, seconded by Ken Ofunrein, TDH. Chair called for a vote and discussion, after no discussion was presented the vote carried unanimously by the members present.

Set Future Meeting Dates

Next meeting date: October 17, 2003, 1:00 p.m., room #2210, building F, TCEQ Campus.

V. Information Exchange for Groundwater Related Activities/Status Update

Joint Groundwater Monitoring and Contamination Report - update - Cary Betz, TCEQ. The 2002 report is being converted into a pdf file for publication and should be on the website within a week. There were 7,069 cases reported this year, actions completed on 739, and 582 cases were new ones.

TGPC Website Review for Member Agencies - Frank Fuller, TCEQ, reminded the members to go to the website periodically for updating purposes.

VI. Announcements (All Members)

Rules Update - TCEQ rule tracking log - Joe Thomas, TCEQ. A summary of the rule log was distributed to members identifying four projects of interest to the Committee.
First item - Radionuclide Standards for Drinking Water, new rule project
Second item - Professional Geoscientist - chapters 321 and 350 were added
Third item - Repeal of groundwater management area designations, 30 TAC Chapter 294.
Fourth item - Remapping of the Edwards Aquifer Recharge Zone, 30 TAC Chapter 313, dates have been removed until further notice.

Richard Ginn, RCT, presented rule updates relating to changes in oil and gas well plugging rules. Special requirements were added for the protection of usable quality groundwater. If a well is being plugged and abandoned, it may be turned over to the surface owner for use as a water well. The owner must get a permit from a Groundwater Conservation District, register the well if no permit is required, provide a statement that the well is not in a Conservation District, or if the District does not require a permit or registration, a statement must be provided to that effect.

Richard announced this would be his last Committee meeting as he is retiring from State service.

New Publications - EPA publication, April, 2003, *Movement and longevity of viruses in the subsurface*, EPA 540-S-03-500

Upcoming Conferences

WATER 2025 - August 14, 2003

2003 GWPC Annual Forum, Interaction among Ground Water Initiatives September 13-17, 2003 in Niagara Falls, New York

International Conference on Science and Technology, October 12-15, 2003, Houston, TX

Texas Water Summit, November 5-6, 2003, Austin, Texas

ASAE meeting and TMDO conference, November 9-11, 2003, Albuquerque, NM

VII. Public Comment

Lynn Fahlquist, USGS, is formulating a questionnaire regarding the ambient groundwater monitoring network design to be sent to the TGPC members.

VIII. Adjourn

Chair, Mary Ambrose, adjourned meeting at approximately 3:30 P. M., CDT.